

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6347**

**BILL NUMBER:** HB 1100

**NOTE PREPARED:** Dec 17, 2008

**BILL AMENDED:**

**SUBJECT:** Emancipation of a Minor.

**FIRST AUTHOR:** Rep. Tincher

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes a process by which a minor may petition a court for the complete or partial emancipation of the minor. The bill requires the court to hold a hearing on the petition and make a determination. It also allows a court to: (1) appoint a Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA) for the minor; and (2) modify or terminate an order for emancipation of a minor.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** The Division of State Court Administration provides oversight, training, and funding to local GAL/CASA programs. This bill may increase the workload of the Division to provide training and oversight to GAL/CASAs that are appointed to act on behalf of a child petitioning for emancipation. The bill would only increase the workload of the Division of State Court Administration if an appointed GAL/CASA is from a certified program that the Division oversees. The Division does not provide oversight for attorney GALs.

The Division reports that the appointment of a GAL/CASA is mandatory in CHINS cases, so these cases would receive priority appointment over emancipation cases. Additionally, many programs currently have waiting lists and would not be able to take a case that did not involve a CHINS.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill will increase court caseload to the extent that children who are at least 16 years of age petition the court for emancipation from their parents. Courts are required to hold hearings for emancipation cases that meet the requirements for emancipation contained in the legislation.

Additionally, a court is authorized to appoint a GAL/CASA to represent the child for the emancipation proceedings. This will increase workload for the GAL/CASA program and may increase local expenditures depending on if children are appointed either a volunteer GAL or an attorney GAL. Actual increases in court caseload and GAL/CASA workload depend on court decisions and the number of qualifying children that petition either a circuit or superior court for emancipation.

**Background Information:** GAL/CASA representatives are largely volunteers; however, some GALs do provide representation for a fee that is reimbursed by the courts. These paid GALs are referred to as attorney GALs. In 2007, 27 counties paid GAL attorneys, paid GALs, or some other form of GAL.

**Explanation of Local Revenues:** When a GAL/CASA is appointed for a child during an emancipation proceeding, the legislation allows the court to order either the guardian of the child or the petitioning child to pay a user fee for GAL/CASA services provided. These funds are designated for the county's GAL/CASA program fund. This provision could increase revenue for the GAL/CASA program and help defray costs associated with GAL/CASA appointments which may not receive reimbursement from the Division of State Court Administration. Actual revenue received by local counties for GAL/CASA services will depend on if fees are issued on a sliding scale.

**Background Information:** The Division of State Court Administration currently provides state matching funds to counties that have appropriate GAL/CASA services. Funding is administered based on the number of CHINS in a county. In 2007, active CASA volunteers contributed an estimated 508,973 hours of time in 19,949 cases involving abused or neglected children in Indiana courts.

**State Agencies Affected:** Division of State Court Administration.

**Local Agencies Affected:** Circuit and superior courts; Local GAL/CASA programs.

**Information Sources:** Leslie Rogers-Dunn, Division of State Court Administration.

**Fiscal Analyst:** Bill Brumbach, 232-9559